REMARKS

Claims 1 and 3-9 are pending in the application. By this Amendment, claims 1, 6 and 7 have been amended and claim 9 has been added. New claim 9 is supported by, for example, the specification (page 5, lines 1-2). It is submitted that this Amendment is fully responsive to the Office Action dated July 8, 2009.

Examiner's Interview

Applicants gratefully appreciate the courtesy extended by Examiner Roberts to Applicants' representative during the telephone interview conducted on October 20, 2009.

Claim Rejections - 35 U.S.C. §101

Claim 6 is rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

This rejection is respectfully traversed. It is submitted that, as acknowledged by the Examiner, this rejection has been overcome by the present Amendment (please see the Interview Summary dated October 28, 2009) based on "New Interim Patent Subject Matter Eligibility Examination Instructions" effective on August 24, 2009. Therefore, withdrawal of this rejection is respectfully requested.

Claim Rejections - 35 U.S.C. §103

Claims 1 and 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al. (USP 7,177,523) in view of Okabayashi et al. (USP 6,751,399) and further in view of Ohmori et al. (USP 6,678,397).

This rejection is respectfully traversed. Independent claims 1, 6 and 7, as amended, now include positive recitation "*wherein the issuer determines whether the period changing instruction is for shortening the image reproducing period or the period changing instruction is for extending the image reproducing period.*"

Support for Amendments

Applicants believe that this Amendment is supported by Fig. 5, steps S1, S3, S5 and S9 as well as the specification (page 6, lines 19-24; page7, lines 15-17; page 8, lines 17-18; and page 9, lines 2-5). In Fig. 5, after the determination step of S3, the renewal period is set to be shortened (S5) or set to be lengthened (S9). In other words, the determination steps S1 and S3 determine if the renewal period should be set to be shortened or lengthened.

Specifically, the specification of the present application describes that in a case the image reproducing period is to be shortened, the user shortens the image reproducing period of the image by operating the jog dial 26b. The operation of shortening the image reproducing period by the user also means user's request for changing from an image currently displayed to a next image. Therefore, the hard disk recorder 14 shortens the image reproducing period of the image and, at the same time, performs a change to the next image (page 6, lines 19-24).

Moreover, the specification describes that a change of shortening the image reproducing period of the image is performed by turning the jog dial 26b, one click of the jog dial 26b to the right direction shortens the image reproduction period (page7, lines 15-17); that one click of the jog dial 26b to the left direction lengthens the image reproducing period (page 8, lines 17-18); and that in the above-described example, it is submitted that the jog dial 26b is turned to the right

direction in order to shorten the image reproducing period, however, this is related to the reproducing direction and is for a case where the reproduction is made in the forward direction (page 9, lines 2-5).

It is believed that Fig. 5, steps S1, S3, S5 and S9 as well as the specification (page 6, lines 19-24; page7, lines 15-17; page 8, lines 17-18; and page 9, lines 2-5) convey to those skilled in the art that applicants were in possession of the amended feature.

As to Matsumoto

Matsumoto addresses the problem:

> However, for the image search operation during which image feeding, at corresponding predetermined time intervals, is automatically continued by depressing and holding down an image feed switch, the reproduction of an image depends merely upon the elapse of a specific time interval. Therefore, when, for example, multiple images are recorded on a memory card, an extended period of time can be required to locate a desired image. On the other hand, when only a small number of images are recorded on a memory card and too short a time interval is allocated for image feeding, images may be fed and passed by too quickly, making it rather difficult to locate the one that is desired (Col. 1, lines 28-39).

In order to solve the problem, Matsumoto changes the interval at which the renewal unit renews the displayed image in accordance with the number of images recorded on the recording medium and the number of images renewed by the renewal unit (Abstract).

Specifically, Matsumoto describes the interval change operation in Fig. 2. As described in Fig. 2, the interval is automatically decided to 500 msec (step S10), 250 msec (step S12) or

50msec (step S14) based on the number of images recorded on the recording medium and the number of images renewed by the renewal unit. After the interval is decided, the images are renewed (step S15).

Accordingly, Matsumoto is SILENT and UNRELATED TO the feature of "*wherein the issuer determines whether the period changing instruction is for shortening the image reproducing period or the period changing instruction is for extending the image reproducing period.*"

Also, Matsumoto describes that:

> In a more detailed explanation for the image feeding operation of the invention the image feeding interval can be set at three levels: a low renewal interval, a medium renewal interval and a high renewal interval. A user can arbitrarily select a renewal interval by changing the initial key timer value (Col. 7, lines 18-23).

In other words, this disclosure of Matsumoto describes that the user can select a renewal interval among the three levels, or arbitrarily select the interval by changing the initial key timer value.

Therefore, this disclosure is also SILENT and UNRELATED TO the feature of "*wherein the issuer determines whether the period changing instruction is for shortening the image reproducing period or the period changing instruction is for extending the image reproducing period.*"

As to Okabayashi

The object of Okabayashi is to provide an improved image recording and reproducing device which permits efficient use of an image storage area, and which can optimally reproduce

both dynamic picture image information and still picture image information stored together in a mixed manner without requiring complex management (Col. 1, line 64 to Col. 2, line 2).

To achieve this object, reproducing section identifies the individual frames of the dynamic picture image information and the still picture image information stored in the image storage section and then reproduces the identified frames of the dynamic picture image information and the still picture image information at reproduction speeds that are set separately for the dynamic picture image information and the still picture image information (Abstract).

Specifically, Okabayashi uses a dynamic-picture reproduction speed storage 27 and a still-picture reproduction speed storage 28 as described in Fig. 3. As described in Fig. 6, Okabayashi decides whether it is the dynamic picture or the still picture based on attribute bits (step S5). If it is the dynamic picture, the data stored in the dynamic-picture reproduction speed storage 27 is used (step S6). On the contrary, if it is the still picture, the data stored in the still-picture reproduction speed storage 28 is used (step S7). In either case, the images are reproduced (steps S8 and S9).

Accordingly, Okabayashi is SILENT and UNRELATED TO the feature of "*wherein the issuer determines whether the period changing instruction is for shortening the image reproducing period or the period changing instruction is for extending the image reproducing period.*"

As to Ohmori

The object of Ohmori is to provide a medical image filing system which reduces time to search and reproduce image data stored in a large-capacity image recording device.

To achieve this object, Ohmori pre-read out required examination image data from the large-capacity recording device 15, and copy in advance and store them in the small-capacity recording device 14 or the image reproducing device 16 (please see Col. 13, lines 50-58). It is noted that this structure is repeatedly described in Ohmori (e.g. Col. 2, lines 23-44).

Accordingly, Ohmori is SILENT and UNRELATED TO the feature of "*wherein the issuer determines whether the period changing instruction is for shortening the image reproducing period or the period changing instruction is for extending the image reproducing period.*"

In view of the above, even if, assuming *arguendo*, that Matsumoto may be combined with Okabayashi and Ohmori in the manner suggested by the Examiner, such combination would still fail to disclose or fairly suggest the claimed feature of "*wherein the issuer determines whether the period changing instruction is for shortening the image reproducing period or the period changing instruction is for extending the image reproducing period*," as now called for in amended claim 1 and similarly in amended claim 6.

Accordingly, claims 1 and 6 distinguish over Matsumoto, Okabayashi and Ohmori. Claims 3-5 are dependent from claim 1 and recite the additional features set forth therein. Accordingly, claims 3-5 also distinguish over Matsumoto, Okabayashi and Ohmori for at least the reasons set forth above.

Claim Rejections - 35 U.S.C. §112

Claims 7 and 8 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Claims 7 and 8 are rejected under 35 U.S.C. §112, second paragraph, as including indefiniteness.

This rejection is respectfully traversed. With regard to the rejection under 35 U.S.C. §112, first paragraph, the Examiner alleges that the cited pages from the specification does not provide support for the subject matter as claimed (Please see page 3, last paragraph to page 4, line 2 of the Action).

Frame renewer

The Examiner appears to have a problem with having the frame renewer independently from the reproducer as alleged on page 5, item 8 of the Action. To solve this issue, Applicants rewrite claim 7 to delete the frame renewer and add the function corresponding to the frame renewer to the reproducer as attached herewith.

Applicants bilieve that this Amendment for the reproducer is supported by the specification (page 5, line 20 to page 6, line 17). In other words, the main microcomputer 24 reads the waiting time included in the management information of the frame data on the basis of the management information address of the TAG data and stores the read waiting time in the register 24a as a period (image reproducing period) lapsing before being renewed to a next image (page 6, lines 13-17). Also, the waiting time is a time interval (page 5, line 20).

First renewer

Applicants believe that the first renewer is supported as follows:

(i) ***a first renewer which immediately renews,***

Support:

Page 7, line 19 of the specification as well as Fig. 6, step S27 (immediately exits from the loop).

(ii) ***when an operation for shortening said renewing interval is made by said changer,***

Support:

Page 11, lines 5-6 of the specification. If the renewal instruction is issued in the step S7 or S17 of Fig. 5, the operation is for shortening the renewal interval as described in steps S5 or S15 of Fig. 5.

(iii) ***a frame currently being reproduced at an accepting timing of the operation to a frame to be subsequently reproduced***

Support:

Page, 11, lines 9-21 of the specification. The steps S31 and S33 of Fig. 6 renew the current frame to the frame to be subsequently reproduced, that is, the next frame or the previous frame according to the reproduction direction.

Second renewer

Applicants believe that the second renewer is supported as follows:
(i) a frame currently being reproduced at an accepting timing of the operation to a frame to be subsequently reproduced

Support:

Page, 11, lines 9-21 of the specification. The steps S31 and S33 of Fig. 6 renew the current frame to the frame to be subsequently reproduced, that is, the next frame or the previous frame according to the reproduction direction.

(ii) with a renewing timing such that the renewing interval between the frame currently being reproduced and a frame to be subsequently reproduced becomes equal to the renewing interval changed by said changer.

Support:

Page 11, lines 6-11 of the specification. The value of the register 24a is changed in the step S9 or S13 of Fig. 5. This value is set to the timer at the step S21 of Fig. 6. At the timing when the timer elapses, the current frame is renewed (step S25 is YES) such that the renewing interval becomes equal to the renewing interval changed by said changer.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okabayashi et al. (USP 6,751,399) in view of Matsumoto et al. (USP 7,177,523).

This rejection is respectfully traversed. Claim 7, as amended, now calls for "*the changer determines whether the predetermined operation is for shortening the renewing interval or the predetermined operation is for prolonging the renewing interval.*"

Because this amended feature is similar to the above-discussed amended feature of claims 1 and 6, the above-discussed argument regarding independent claims 1 and 6 is also applicable to independent claim 7.

Accordingly, even if, assuming *arguendo*, that Okabayashi may be combined with Matsumoto in the manner suggested by the Examiner, such combination would still fail to

disclose or fairly suggest the claimed feature of "*the changer determines whether the predetermined operation is for shortening the renewing interval or the predetermined operation is for prolonging the renewing interval*," as called for in amended claim 7.

Accordingly, claim 7 distinguishes over Okabayashi and Matsumoto. Claim 8 is dependent from claim 7 and recites the additional features set forth therein. Accordingly, claim 8 also distinguishes over Okabayashi and Matsumoto for at least the reasons set forth above.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact the undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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